

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 35242 of 2003(U)

PETITIONER:

JOHNSON, AGED 31,
S/O. ANTONY, CHALISSERY HOUSE,
MANAKKUDI P.O., THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.RENJITH B.MARAR

RESPONDENTS:

1. EASY KURIES AND LOANS PVT. LTD.
REPRESENTED BY ITS MANAGING DIRECTOR, K.P.JOY,
OLAYIKKARA DESOM, ARNATTUKARA VILLAGE, THRISSUR.
2. K.P.JOY, AGED 39,
S/O. PYLOTH, KANJIRATHINKAL HOUSE,
OLAYIKKARA DESOM, ARNATTUKARA VILLAGE, THRISSUR.
3. MAHIM SHAW, AGED 35 YEARS,
ROSHNI MANSIL, RAVIPURAM P.O., ANAPPARA, THRISSUR.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the O.S.No.2199/01 on the file of the Munsiff Court, Thrissur dated 24-8-2002

Ext.P2: True copy of the I.A.No.8693/03 in O.S.No.2199/01 dated 9-10-2003.

Ext.P3: True copy of the objection in I.A.8693/03 in O.S.No.2199/01 dated 9-10-2003.

Ext.P4: True copy of the I.A.No.8694/03 preferred by the petitioner in O.S.No.2199/01 dated 9-10-2003.

Ext.P5: True copy of the objection filed by the respondent 1 and 2 in I.A.No.8694/03.

Ext.P6: True copy of the order passed by the learned munsiff in I.A.No.8693/03 dated 17-10-2003.

Ext.P7: True copy of the order passed by the learned munsiff in I.A.No.8694/03 dated 17-10-2003.

RESPONDENT'S EXHIBITS:

Ext:R1(a): True copy of the judgment in C.C.836/01 dated 25-4-2006 of JFCM-II, Thrissur.

// True copy //

P.A. to Judge

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M.N.KRISHNAN, J.

W.P.(C)NO.35242 OF 2003

Dated this the 1st day of February 2007

JUDGMENT

This writ petition is filed to quash the order in Exts.P6 and P7 passed by the Additional Munsiff, Thrissur in I.A.8693/03 and I.A.8694/03 in O.S.2199/01. One petition is filed for impleadment of additional defendants and the other petition is filed to incorporate prayer for declaration. The trial court after hearing both sides found that both petitions cannot be allowed and therefore dismissed the same. It is against that decision the present writ petition is filed. The case of the plaintiff is on the basis of a kuri transaction two persons proposed to be impleaded have forged the blank cheques issued by the plaintiff to the defendants. The trial court found that there is no relief sought against the proposed defendants and question of forgery is not a matter for which relief can be granted in the form of a civil decree. If it is found that the cheque issued by the plaintiff had been forged subsequently by the persons relying on the cheque then it goes without saying that the said persons will not be entitled to any relief on the strength of the same. So far as the

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amendment applications are concerned, court has held that there is already a prayer for declaration and no further separate declaration is necessary in order to enable the plaintiff to get the relief. So the court found that both the applications are devoid of merits. On a perusal of the orders and after hearing both sides, I also feel the decision arrived at by the trial court is not factually or legally incorrect and therefore it does not call for any interference. Therefore, the writ petition is devoid of merit and dismissed.

M.N.KRISHNAN, JUDGE

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